

PATENT APPLICATION
Attorney Docket: 2931 (203-3624)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Sartor, Joe Don et al. EXAMINER: Michael Peffley
SERIAL NO.: 10/718,113 GROUP: 3739
FILED: November 20, 2003 DATED: February 16, 2006
TITLE: ELECTROSURGICAL PENCIL WITH
IMPROVED CONTROLS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTION OF INVENTORSHIP OF
NON-PROVISIONAL APPLICATION PURSUANT TO 37 CFR 1.48(a)**

Sir/Madam:

Applicants respectfully request that the above-identified Non-Provisional Application be amended herein to correct the inventorship of said Non-Provisional Application to add the name of an omitted inventor pursuant to 37 CFR 1.48(a) requiring the following documents:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage paid in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 16, 2006.

Date: February 16, 2006



Francesco Sardone

02/22/2006 WABDELRI 00000001 210550 10718113

02 FC:1464 130.00 DA

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Page 2 of 2

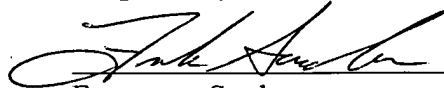
**Request for Correction of Inventorship of
Provisional Application Pursuant to 37 CFR §1.48(a)**

- (3) A new oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i);
- (5) The written consent of the assignee;
- (6) A copy of a new assignment executed by the corrected inventors and concurrently filed herewith.

The U.S. Patent Office and/or Director is hereby authorized to charge Deposit Account No. 21-0550, the amount of \$130.00 to cover the processing fee for the present petition for correcting inventorship, as set forth in 37 CFR 1.17(i). A DUPLICATE COPY OF THE PRESENT PAGE IS ENCLOSED FOR FEE PROCESSING.

Applicants respectfully request that a new Filing Receipt reflecting the correct inventorship be issued for the above-identified Non-Provisional Application.

Respectfully submitted,



Francesco Sardone
Reg. No. 47,918
Attorney for Applicant(s)

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 Broad Hollow Road, Suite 225
Melville, New York 11747
Tel (631) 501-5700
Fax (631) 501-3526
FS/PMG/dag



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Sir/Madam:

Applicants respectfully request that the above-identified Non-Provisional Application be amended herein to correct the inventorship of said Non-Provisional Application to add the name of an omitted inventor pursuant to 37 CFR 1.48(a).

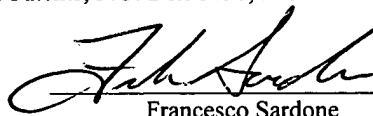
Applicants respectfully submit that the above-identified Non-Provisional Application was filed on October 6, 2004, identifying the following inventors, namely:

Arlen James Reschke;
Steven Paul Buysse;
David Nichols Heard;
Joe Don Sartor;
Dale Francis Schmaltz; and
Ronald J. Podhajsky.

CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)

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Francesco Sardone

Applicants also respectfully submit that the above-identified Non-Provisional Application failed to identify the following inventor:

Mark Huseman

Applicants respectfully submit that the omission of Mark Huseman from the above-identified Non-Provisional Application occurred without any deceptive intent.

Accordingly, the correct inventorship for the above-identified Non-Provisional Application should be as follows:

Joe Don Sator;
Arlen James Reschke;
David Nichols Heard;
Dale Francis Schmaltz;
Ronald J. Podhajsky;
Steven Paul Buysse; and
Mark Huseman.

First Named Inventor


Joe Don Sator

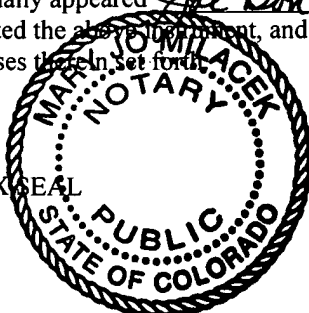
2-14-06
Date

State of Colorado)
) ss
County of Boulder)

Before me this 14 day of February 2006,

personally appeared Joe Don Sator to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.

AFFIX SEAL



My Commission Expires 02/14/2007


Notary Public

Application Serial No.: 10/718,113
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Request for Correction of Inventorship of
Non-Provisional Application Pursuant to 37 CFR §1.48(a)

Second Named Inventor

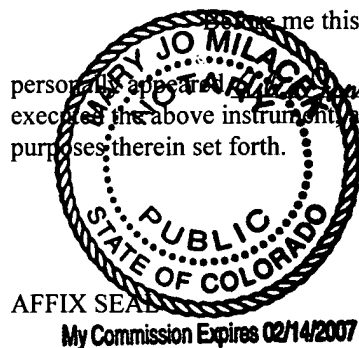
Arlen James Reschke
Arlen James Reschke

2-4-06
2-6-0
Date

State of Colorado)
County of Boulder) ss
)

Before me this 9 day of February 2006,

personally appeared Arlen James Reschke to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.



Mary Jo Milacek
Notary Public

Third Named Inventor

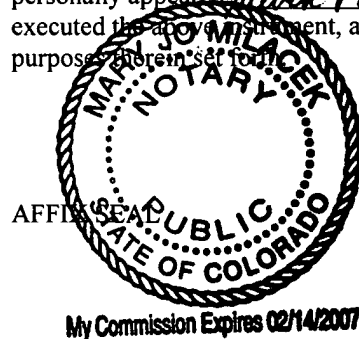
Steven Paul Buysse
Steven Paul Buysse

2/10/06
Date

State of Colorado)
County of Boulder) ss
)

Before me this 10 day of February 2006,

personally appeared Steven Paul Buysse to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.

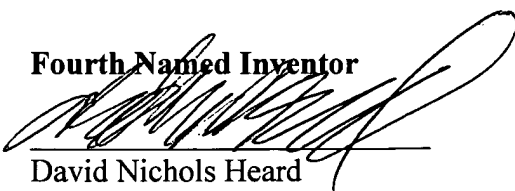


Mary Jo Milacek
Notary Public

Application Serial No.: 10/718,113
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**Request for Correction of Inventorship of
Non-Provisional Application Pursuant to 37 CFR §1.48(a)**

Fourth Named Inventor


David Nichols Heard

10 Feb 06
Date

State of Colorado)
) ss
County of Boulder)

Before me this 10 day of February 2006,
personally appeared David Nichols Heard to me personally known to be the person described in and who
executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the
purposes therein set forth.


AFFIX SEAL My Commission Expires 02/14/2007

Mary Jo Milacek
Notary Public

Fifth Named Inventor


Dale Francis Schmaltz

2/10/06
Date

State of Colorado)
) ss
County of Boulder)

Before me this 10 day of February 2006,
personally appeared Dale Francis Schmaltz to me personally known to be the person described in and who
executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the
purposes therein set forth.


AFFIX SEAL

My Commission Expires 02/14/2007

Mary Jo Milacek
Notary Public

Application Serial No.: 10/718,113
Filing Date: November 20, 2003
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**Request for Correction of Inventorship of
Non-Provisional Application Pursuant to 37 CFR §1.48(a)**

Sixth Named Inventor

Ronald J. Podhajsky
Ronald J. Podhajsky

2-9-06
Date

State of Colorado)
County of Boulder) ss

I, Mary Jo Milarek, Notary Public for the State of Colorado, do hereby certify that on this 9 day of February, 2006, personally appeared Ronald J. Podhajsky to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.


AFFIX SEAL My Commission Expires 02/14/2007

Mary Jo Milarek
Notary Public

Seventh Named Inventor

Mark Huseman
Mark Huseman

02/09/2006
Date

State of Colorado)
County of Boulder) ss

I, Mary Jo Milarek, Notary Public for the State of Colorado, do hereby certify that on this 9 day of February, 2006, personally appeared Mark Huseman to me personally known to be the person described in and who executed the above instrument, and acknowledged to me that he/she executed the same of his own free will for the purposes therein set forth.


AFFIX SEAL My Commission Expires 02/14/2007

Mary Jo Milarek
Notary Public



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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**WRITTEN CONSENT OF ASSIGNEE FOR A
REQUEST TO CHANGE INVENTORSHIP OF A
NON-PROVISIONAL APPLICATION PURSUANT TO 37 C.F.R. §1.48(a)**

Sir/Madam:


The Assignee, Sherwood Services AG (hereinafter referred to as "the Assignee"), respectfully submits written consent for A Request to Change the Inventorship for the above-identified Non-Provisional Application. More specifically, the Assignee, respectfully submits that Inventor Mark Huseman be added as a named inventor.

The Assignee respectfully submits that the omission of Mark Huseman as an inventor of the present application occurred without deceptive intent.

CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)

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Date: February 16, 2006


Francesco Sardone

Application Serial No.: 10/718,113
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Written Consent of Assignee for Request to Change
Inventorship of Non-Provisional Application Pursuant to
37 CFR §1.48(a)

Accordingly, the correct inventorship for the above-identified Non-Provisional Application
should be as follows:

Joe Don Sator;
Arlen James Reschke;
David Nichols Heard;
Dale Francis Schmaltz;
Ronald J. Podhajsky;
Steven Paul Buysse; and
Mark Huseman

Signature of Assignee Representative

Stephen Faciszewski
Signature

February 15, 2006
Date

Stephen Faciszewski
Print Name

CEO Sherwood Services AG
Position

State of Colorado)
County of Boulder) ss

Before me this 15th day of February 2006,

personally appeared Stephen Faciszewski to me personally known to be the person described in and who executed the
above instrument, and acknowledged to me that he executed the same of his own free will for the purposes therein set
forth.

AFFIX SEAL

Helen Hintermeister
Notary Public

Helen Hintermeister
Judge at the Cantonal Law Court
of Schaffhausen, Switzerland,
acting as NOTARY PUBLIC





PATENT
Attorney's Docket No. 2931 (203-3624)

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: *(check one applicable item below)*

- ☒ original
- ☐ design
- ☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor *(if only one name is listed below)* or an original, first and joint inventor *(if plural names are listed below)* of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

ELECTROSURGICAL PENCIL WITH IMPROVED CONTROLS

SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

(a) ☐ is attached hereto.

(b) ☒ was filed on **November 20, 2003** as ☒ Serial No. 10/718,113 or ☐ Express Mail No., as Serial No. not yet known _____ and was amended on _____ *(if applicable)*.

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.

(c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ *(if any)*.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, and

☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. §1.98.

PRIORITY CLAIM (35 U.S.C. §119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(List name and registration number)*

ALL ATTORNEYS AND REGISTERED PRACTITIONERS ASSOCIATED WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE, CUSTOMER NO. 50855.

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

Mark Farber, Esq.

UNITED STATES SURGICAL,

(203) 845-1000

a Division of Tyco Healthcare Group LP

150 Glover Avenue

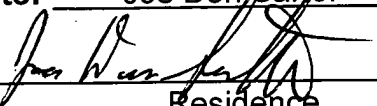
Norwalk, CT 06856

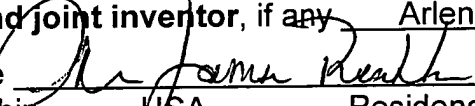
DECLARATION


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

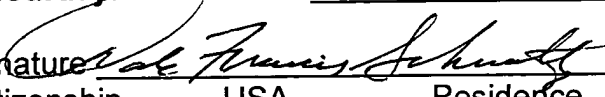
SIGNATURE(S)


NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

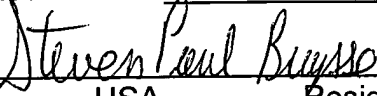
Full name of **sole or first inventor** Joe Don Sartor
Inventor's signature  Date 2-14-06
Country of Citizenship US Residence Longmont, CO
Post Office Address 1036 Katy Lane, Longmont, CO 80504

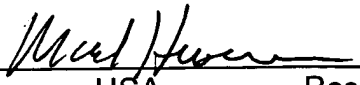
Full name of **second joint inventor**, if any Arlen James Reschke
Inventor's signature  Date 2-9-06
Country of Citizenship USA Residence Boulder, CO
Post Office Address 1345 Venice Street, Longmont, CO 80501

Full name of **third joint inventor**, if any David Nichols Heard
Inventor's signature  Date 10 Feb 06
Country of Citizenship USA Residence Boulder, CO
Post Office Address 3620 Silver Plume Lane, Boulder, CO 80303

Full name of **fourth joint inventor** Dale Francis Schmaltz
Inventor's signature  Date 2/10/06
Country of Citizenship USA Residence Fort Collins, CO
Post Office Address 2319 Westview Road, Fort Collins, CO 80524

Full name of **fifth joint inventor** Ronald J. Podhajsky
Inventor's signature  Date 2-9-06
Country of Citizenship USA Residence Boulder, CO
Post Office Address 6941 Harvest Road, Boulder, CO 80301

Full name of **sixth joint inventor** Steven Paul Buysse
Inventor's signature  Date 2/10/06
Country of Citizenship USA Residence Longmont, CO
Post Office Address 741 Rider Ridge Drive, Longmont, CO 80501

Full name of **seventh joint inventor** Mark Huseman
Inventor's signature  Date 02/09/2006
Country of Citizenship USA Residence Broomfield, CO
Post Office Address 1170 Sage Street, Broomfield, CO 80020

**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING
ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION**

- ☐ Signature for subsequent joint inventors.
Number of pages added ____.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased
or incapacitated inventor.
Number of pages added ____.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person
authorized under 37 C.F.R. §1.47.
Number of pages added ____.

- ☐ Added pages to combined declaration and power of attorney for divisional,
continuation, or continuation-in-part (CIP) application.
Number of pages added ____.

- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

If no further pages form a part of this Declaration then end this Declaration with
this page and check the following item.

☒ This declaration ends with this page.